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16 KYPHON INC.

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 SAN JOSE DIVISION
20

21 SAFRONIA DODD-OWENS, et al., etc., ,
22 Plaintiffs,
23 vs.
24 KYPHON INC.,
25 Defendant.

Case No.: CV 06 03988 JF

**STIPULATION OF DISMISSAL OF
PLAINTIFFS' CLAIMS AGAINST
KYPHON INC. AND ~~[PROPOSED]~~
ORDER**

26
27 It is hereby stipulated by and between defendant Kyphon Inc. and plaintiffs Safronia
28 Dodd-Owens, Tera Byrer-Garulay, Tiffany Socha-Luzuriaga, Teri Carr, Elizabeth Glus and

Christy Wronikowski (collectively referred to as "Plaintiffs") that Plaintiffs dismiss all claims asserted herein against Kyphon Inc., in this matter with prejudice pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure. Each party shall bear their own costs and attorneys' fees.

Dated: March 20, 2009

SEVERSON & WERSON
A Professional Corporation

By: /s/Rhonda L. Nelson

Rhonda L. Nelson, Esq.
Attorneys for Defendant
KYPHON INC.

Dated: March 20, 2009

SANFORD, WITTELS & HEISLER, LLP

By: /s/David W. Sanford

David W. Sanford, Esq.
Attorneys for Plaintiffs
Safronia Dodd-Owens, Tera Byrer-Garulay,
Tiffany Socha-Luzuriaga, Teri Carr, Elizabeth
Glus, and Christy Wronikowski

PURSUANT TO THE STIPULATION of counsel, the above-captioned matter is
HEREBY ORDERED DISMISSED WITH PREJUDICE.

Dated: 3/23, 2009



THE HONORABLE JEREMY FOGEL
U.S. District Court Judge, Northern District of
California